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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on April 19, 2005

Date of Meeting: June 21, 2004

The Mayor and Council of the City of Tucson met in regular session, in the Tucson Convention Center Music Hall, 260 South Church Avenue, Tucson, Arizona, at 5:34 p.m. on Monday, June 21, 2004, all members having been notified of the time and place thereof.

### 1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Vice Mayor, Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

Staff Members Present:

James Keene	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Michael D. Letcher	Deputy City Manager

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Reverend DeeDee Azhikakath, St. Mark's United Methodist Church, after which the pledge of allegiance was presented by the entire assembly.

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 313, dated June 21, 2004, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Dunbar reported that on Sunday over five hundred people and two hundred dogs attended the grand opening of the Ward 3 dog park. Ward 3 also held a dedication for the newly refurbished Jacobs Pool on Saturday, June 19, 2004.
- b. Vice Mayor Ronstadt announced his brother turned forty today, June 21, 2004.

**4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 314, dated June 21, 2004, would be received into and made a part of the record. He asked for the City Manager's report.

James Keene, City Manager, reported:

- a. Today, June 21, 2004 marked the first day the reversible lane on Grant Road was not in operation. Light to moderate traffic was reported.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 308, dated June 21, 2004, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

Kathleen S. Detrick, City Clerk, announced there were no applications for liquor licenses scheduled for this meeting.

**6. CONSENT AGENDA ITEMS A THROUGH R**

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

- A. APPROVAL OF MINUTES
  - 1. Report from City Manager JUNE21-04-312 CITY-WIDE
- B. REAL PROPERTY: RIGHT-OF-WAY ACQUISITION – SPEEDWAY BOULEVARD/ROOK AVENUE PEDESTRIAN SIGNAL INSTALLATION
  - 1. Report from City Manager JUNE21-04-309 W6
  - 2. Resolution No. 19853 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary certain right-of-way; and declaring an emergency.
- C. TUCSON CODE: AMENDING (CHAPTER 20) UPDATING CITY TRAFFIC ORDINANCE REGARDING REVERSIBLE LANES
  - 1. Report from City Manager JUNE21-04-310 W2, W3 and W6
  - 2. Ordinance No. 9985 relating to motor vehicles and traffic; amending the Tucson Code by repealing Section 20-157 of Chapter 20 thereof relating to reversible lane operation on Broadway and Grant Road and declaring an emergency.
- D. REAL PROPERTY: VACATION AND SALE OF A PORTION OF BERMUDA STREET RIGHT-OF-WAY TO ADJACENT PROPERTY OWNER
  - 1. Report from City Manager JUNE21-04-311 W3
  - 2. Ordinance No. 9986 relating to real property; vacating a portion of Bermuda Street right-of-way in the vicinity of Walnut Avenue, and authorizing the sale thereof to the adjacent property owners; and declaring an emergency.
- E. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY REGARDING THE HOME PROGRAM
  - 1. Report from City Manager JUNE21-04-316 CITY-WIDE
  - 2. Resolution No. 19855 relating to community services; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for renewal of the Consortium Agreement for the purpose of participating in the HOME Program; and declaring an emergency.

- F. ASSURANCE AGREEMENT: (S03-006) CASA DE KINO SUBDIVISION, PHASE 4, LOTS 207 TO 223 AND COMMON AREAS “A”, “B-1”, “B-2” AND “C”
1. Report from City Manager JUNE21-04-317 W5
  2. Resolution No. 19856 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S03-006 of a final plat for the Casa De Kino an RCP Subdivision, Lots 207 to 223 and common areas “A”, “B-1”, “B-2” and “C”; and declaring an emergency.
- G. FINAL PLAT: (S03-006) CASA DE KINO SUBDIVISION, PHASE 4, LOTS 207 TO 223 AND COMMON AREAS “A”, “B-1”, “B-2” AND “C”
1. Report from City Manager JUNE21-04-318 W5
  2. The City Manager recommends after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- H. MEMORIAL: SUPPORTING THE REQUEST TO LIST THE BROADWAY SOUTH LANDFILL AS A STATE WATER QUALITY ASSURANCE REVOLVING FUND SITE
1. Report from City Manager JUNE21-04-319 CITY-WIDE
  2. A Memorial relating to the listing of the Broadway South Landfill as a State Water Quality Assurance Revolving Fund Site.
- Item H was considered separately at the request of Council Member West.
- I. INTERGOVERNMENTAL AGREEMENT: WITH THE PIMA COUNTY FREE LIBRARY DISTRICT FOR FISCAL YEAR 2004
1. Report from City Manager JUNE21-04-320 CITY-WIDE AND OUTSIDE CITY
  2. Resolution No. 19857 relating to library services; approving an Intergovernmental Agreement between the City of Tucson and the Pima County Free Library District for operation and maintenance of a free public library system for fiscal year 2003-2004; and declaring an emergency.

- J. INTERGOVERNMENTAL AGREEMENT: WITH THE TOWN OF ORO VALLEY FOR LIBRARY SERVICES FOR FISCAL YEAR 2004
1. Report from City Manager JUNE21-04-321 CITY-WIDE
  2. Resolution No. 19858 relating to library services; approving an Intergovernmental Agreement between the City of Tucson and the Town of Oro Valley for library services for fiscal year 2003-2004; and declaring an emergency.
- K. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE WEST OCHOA NEIGHBORHOOD REINVESTMENT PROJECT
1. Report from City Manager JUNE21-04-322 W5
  2. Resolution No. 19859 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement with Pima County for the West Ochoa Neighborhood Reinvestment Project; and declaring an emergency.
- L. PARKS AND RECREATION: NAMING THE ADAPTIVE CENTER IN REID PARK THE “EDITH BALL ADAPTIVE RECREATION CENTER”
1. Report from City Manager JUNE21-04-323 W6
  2. Resolution No. 19860 relating to parks and recreation; authorizing and approving naming the Adaptive Recreation Center located at Reid Park the “Edith Ball Adaptive Recreation Center”; and declaring an emergency.
- M. PARKS AND RECREATION: NAMING THE REID PARK ZOO ENTRY PLAZA THE “JAMES F. RONSTADT ENTRY PLAZA”
1. Report from City Manager JUNE21-04-324 W6
  2. Resolution No. 19861 relating to parks and recreation; authorizing and approving naming the Reid Park Zoo entry plaza located at Reid Park the “James F. Ronstadt Entry Plaza”; and declaring an emergency.
- Item M was considered separately at the request of Vice Mayor Ronstadt.
- N. INTERGOVERNMENTAL AGREEMENT: WITH THE PIMA COUNTY FLOOD CONTROL DISTRICT FOR THE COLUMBUS WASH PHASE II DRAINAGE IMPROVEMENTS
1. Report from City Manager JUNE21-04-325 W2

2. Resolution No. 19862 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between Pima County Flood Control District and the City of Tucson for design, construction, and maintenance of Columbus Wash Phase II Drainage Improvements; and declaring an emergency.
- O. TUCSON CODE: AMENDING (CHAPTER 21) RELATING TO POSSESSION OF FIREARMS IN DOWNTOWN PARKS
1. Report from City Manager JUNE21-04-326 W6
  2. Ordinance No. 9987 relating to parks; amending Tucson Code § 21-3(5)(2); permitting possession of firearms in Jacomè and Sunset/El Presido Parks for the purpose of accessing gun lockers located in Joel Valdez Main Library and City Hall; and declaring an emergency.
- P. MEMORANDUM OF UNDERSTANDING: WITH THE SONORAN INSTITUTE
1. Report from City Manager JUNE21-04-307 CITY-WIDE
  2. Resolution No. 19863 relating to planning; approving and authorizing a Memorandum of Understanding between the City of Tucson and the Sonoran Institute; and declaring an emergency.
- Q. ENVIRONMENTAL SERVICES: AMENDING TUCSON CODE (CHAPTER 15) RELATING TO REFUSE
1. Report from City Manager JUNE21-04-332 CITY-WIDE
  2. Ordinance No. 9989 relating to environmental services; prohibiting acceptance of refuse collected, received or transported from outside Pima County at any City-Owned or City-Operated sanitary landfill site, transfer station or other disposal facility; declaring it a misdemeanor to dispose of out-of-county refuse at city facilities; authorizing the director of environmental services to revoke the privilege of using City facilities where the director determines that a person has engaged in disposal of out-of-county refuse at City facilities; adding new section 15-51 to Tucson Code Chapter 15, Article VII ("Landfill Management"); and declaring an emergency.
- R. REAL PROPERTY: ACCEPTANCE OF MUSEUM OF CONTEMPORARY ART EASEMENT FROM ARIZONA DEPARTMENT OF TRANSPORTATION
1. Report from City Manager JUNE21-04-331 W6

2. Resolution No. 19864 relating to real property; authorizing the City Manager to accept the no cost transfer of an easement for that certain parcel of real property located at 191 East Toole Avenue from the State of Arizona to the City of Tucson; and declaring an emergency.

Mayor Walkup asked the Council's pleasure.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Items A through R, with the exception of Items H and M which would be considered separately, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, and Leal;  
Vice Mayor Ronstadt and Mayor Walkup.

Nay: None

Consent Agenda Items A through R, with the exception of Items H and M, were declared passed and adopted by a roll call vote of 7 to 0.

H. MEMORIAL: SUPPORTING THE REQUEST TO LIST THE BROADWAY SOUTH LANDFILL AS A STATE WATER QUALITY ASSURANCE REVOLVING FUND SITE

1. Report from City Manager JUNE21-04-319 CITY-WIDE
2. A Memorial relating to the listing of the Broadway South Landfill as a State Water Quality Assurance Revolving Fund Site.

Kathleen S. Detrick, City Clerk, announced the first item to be considered separately was Item H, and it was removed from the Consent Agenda by Council Member West.

Mayor Walkup recognized Council Member West.

Council Member West announced Judy Burns, the Chair of the Citizen's Advisory Board, was present and would make a brief statement.

Judy Burns said she was Co-Chair, along with Jim Garrett, of the Broadway/Pantano Community Advisory Board. They were charged with overseeing the cleanup of the contaminant plume stemming from the Broadway/Pantano Wash site, which included the Broadway North Landfill. In the five years they had been involved in the project they had concerns about another plume just to the south of Broadway

Boulevard and they had discussed its effect on City water wells nearby. Those wells were currently clean, but limited to be used as last on/first off wells, meaning they could be used only during peak times. The Arizona Department of Environmental Quality (ADEQ) was studying the southern plume. The Broadway/Pantano Community Advisory Board would appreciate the Mayor and Council supporting them and encouraging ADEQ to recommend inclusion of this site in the WASH Program. They believed that if this plume goes unchecked the future of Tucson's aquifer and ability to deliver water would be in jeopardy. She thanked the Mayor and Council.

Council Member West thanked Ms. Burns.

It was moved by Council Member West, duly seconded, that Consent Agenda Item H, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, and Leal;  
Vice Mayor Ronstadt and Mayor Walkup.

Nay: None

Consent Agenda Item H was declared passed and adopted by a roll call vote of 7 to 0.

M. PARKS AND RECREATION: NAMING THE REID PARK ZOO ENTRY PLAZA THE "JAMES F. RONSTADT ENTRY PLAZA"

1. Report from City Manager JUNE21-04-324 W6

2. Resolution No. 19861 relating to parks and recreation; authorizing and approving naming the Reid Park Zoo entry plaza located at Reid Park the "James F. Ronstadt Entry Plaza"; and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced the final item on the Consent Agenda to be considered separately was Item M, and it was removed by Vice Mayor Ronstadt.

Mayor Walkup recognized Vice Mayor Ronstadt.

Vice Mayor Ronstadt asked the City Attorney if he had a conflict in participating in the vote on this item.

Michael Rankin, City Attorney, responded from what he understood Vice Mayor Ronstadt had no proprietary or pecuniary interests in this matter. He did not think Vice Mayor Ronstadt would have to recuse himself under a conflict of interest.



Vice Mayor Ronstadt said Jim Ronstadt was the Parks and Recreation Director prior to Dan Felix. He retired several years ago and served the community as director for twenty years, and as a City employee several years prior to that. He was present at the meeting and requested to say a few words before the Council took action on this item.

Jim Ronstadt said it had been six years since he addressed the Mayor and Council from the podium, but it seemed like yesterday. He expressed his sincere appreciation for the action that they were about to take. The Zoo was an important part of Parks and Recreation and it continues to be an important part of the City of Tucson in developing something that was not only people friendly but also animal friendly. He said as their director, along with staff, they accomplished that goal during his tenure. Again, he thanked the Mayor and Council and said it was nice to see them all again.

Mayor Walkup thanked Mr. Ronstadt and called on Vice Mayor Ronstadt.

Vice Mayor Ronstadt said he use to be able to tell the story, that prior to Mr. Ronstadt taking over the reins as Director of Parks and Recreation from Gene Reid, the Tucson City Zoo consisted of chickens, goats, and a camel which use to spit on people quite frequently. Now Tucson had a world class small zoo that is consistently recognized for its quality, the way it treats its animals and the educational components of its docents program. He personally regarded that as one of the primary legacies of Jim Ronstadt and the Parks Department and it was with great pride and honor that he would make the following motion.

It was moved by Vice Mayor Ronstadt, duly seconded, that Consent Agenda Item M be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, and Leal;  
Vice Mayor Ronstadt and Mayor Walkup.

Nay: None

Consent Agenda Item M was declared passed and adopted by a roll call vote of 7 to 0.

## **7. CALL TO THE AUDIENCE**

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers would be limited to three-minute presentations. He said there were a number of speakers.

- a. Michael Toney urged the Mayor and Council to consider incorporating a laser computer into the Science Center.
- b. Bill Katzel reported the status of his work on achieving a “Platinum Award” recognition for the City of Tucson’s bicycle community.
- c. Elezabeth Cameron addressed the Mayor and Council regarding flooding in the Casa Alegre subdivision.
- d. Richard DeBernardis reported on the international reputation of Tucson in the bicycling community.
- e. Charles Abbott reported on a traffic hazard at Water Street and Campbell Avenue.

**8. PUBLIC HEARING: TRUTH IN TAXATION FOR THE PRIMARY AND SECONDARY PROPERTY TAX; NOTICE OF RATE INCREASE FOR THE PRIMARY PROPERTY TAX**

Mayor Walkup announced City Manager’s communication number 327, dated June 21, 2004, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on truth in property taxation.

Mayor Walkup announced the public hearing was scheduled to last for no more than one hour, and speakers would be limited to five-minute presentations. He had received a number of cards and he asked the speakers to come forward when he called their name. He asked them to state their name, address, whether or not they lived in the City, and who they were representing and whether or not they were being paid.

Kathleen S. Detrick, City Clerk, said the City Manager had a few brief remarks.

Mayor Walkup called on the City Manager.

James Keene, City Manager, said this was a public hearing the Council was holding in accordance with State Law. He pointed out the notice the City published on the hearing was set by specific requirements under State Law that only focused on the primary portion of the property tax. Not included was a notice that the City had an 11.64 decrease in the secondary property tax. So, the combined tax change was a two dollar and seventy eight cent property tax increase on a one hundred thousand dollar home, just as an example. The effect was really a 2.4 percent increase. He added that the notice requirements focused only on the primary piece; it did not deal with the secondary. The secondary was decreasing because of the effect of the twelve dollar residential refuse fee, which allows almost two million dollars in debt services to be passed out of the general fund, which reduces the property tax by over seven cents. The impact of the assessed valuations in the City’s debt schedule also had a further four-cent reduction in the secondary tax. Again, he noted that the combined property tax change increase was two

dollars and seventy-eight cents, which was different from the notice the Council sees that focuses only on the primary.

Mayor Walkup thanked the City Manager and said they would start the public hearing and he called on the first speaker.

Flora Edwards said she resides near Wetmore Road, Limberlost Road, and Stone Avenue. The increases of the property taxes three years ago caused her to refinance her home. With the rise in insurance and water, she already paid more than when she refinanced. It seemed to her that the banks had taken all of the value out of their property, besides Home Depot, Walmart, Curves, the University of Arizona, and constant punks. She said when they take their kids to the bus stops and look down at the streets it is full of needles. There were airplanes all night going around, and yet the Mayor and Council said their value was increasing. She wanted to know with all of the traffic and all of the commerce in what way was it private property.

David Foster said he was not in the City and there was a reason why he was not in the City. He said the City primary property tax was limited by State funds, by a ten percent limit. As the City increases their limit by ten percent they also decrease the value of other agencies in the county needing that money. Once they reach the ten percent limit, which the City was very close to, they were really above that ten percent limit without the tax break the state gave them. He asked if the Council knew what the percentage was right now. If they looked at the primary, the important thing was they have increased the primary, which is limited, and they decrease the secondary that had no limit. Once the Mayor and Council increase the primary the other agencies, there have been forty agencies already this month who had asked for increases in that area, could not do it any more.

Elezabeth Cameron told the Mayor and Council that her neighborhood floods. They had been rezoned a flood district and she questioned how the value of their property could go up when their houses were molding, flooding, and wasting away.

Mayor Walkup asked if anyone else wished to speak on this subject at this time.

Bill Heuisler asked the Mayor and Council to pause a moment in the rush to increase taxes. The City has the highest tax burden in the State, in Pima County. The commercial burden was now fourth or fifth in the nation. He asked the Council to think about reducing taxes by not passing an increase. He thought, maybe, they would want to increase the amount of businesses that were in Tucson. He thought they wanted to make Tucson a better place to live, increasing taxes and government revenue by expansion rather than by increasing the levy.

Mayor Walkup asked if there was anyone else who wished to address the Council. Hearing no one, he asked for a motion to close the public hearing.

It was moved by Council Member Dunbar, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup announced the adoption of the Primary and Secondary Property Tax Ordinance was scheduled for August 2, 2004.

Mayor Walkup recognized Council Member West.

Council Member West said she wanted to hear the Budget and Research Director respond to the comments which were just heard. In particular, she wanted to know what percentage of the City's budget was made up of the property tax.

Ned Zolman, Budget and Research Director, responded the primary property tax, which was the subject of the present hearing, was well under one percent of the total budget. The secondary tax was twenty one million dollars, which was two percent of the total budget. So together they were less than three percent of the total budget.

Council Member West asked the City Manager what the two dollar and seventy cent increase was on.

Mr. Keene responded it was on a house with a one hundred thousand dollar assessed valuation, so if it were two hundred thousand dollars it would be a little over five dollars for the whole year.

Council Member West asked if the comments the Council heard were correct about being near the ten percent cap.

Mr. Zolman responded that if they were talking about a piece of property inside the City and in Tucson Unified School District I, then they should be over the ten percent cap. The difference was made up by the state, so that no owner ever paid a tax more than one percent the value of their property. One way of looking at this was that it was bringing some money back to Tucson.

Council Member West asked what the City Charter states about the property tax.

Mr. Keene explained that the City Charter establishes a one dollar and seventy five cent per one hundred dollar assessed valuation cap. This cap was established in 1969 when the voters approved the second cent on the sales tax. It was more or less a condition of that action. These combined rates were more in the neighborhood of one dollar and eighteen cents to one dollar and nineteen cents. However, the combined cap severely limits the City's ability to raise money by general obligation bonds. Present estimates were given where they were today, at the cap, the best the City could do on a bond election in the next year or so would be eighty million dollars. He reminded the Council that the City was looking at unmet needs throughout the community, well in excess of four billion dollars.

Council Member West said this was then an attempt to assist the City and asked if the secondary property tax was how the General Obligation bonds were paid.

Mr. Keene answered that was correct.

Council Member West asked what the City did with the primary tax.

Mr. Keene answered that the primary tax could be used for any lawful purpose, Police, Fire, and Parks.

Council Member West said that she thought two dollars and seventy five cents to help pay for Police and Fire was a bargain.

Mayor Walkup announced they would move onto Item 9.

**9. PUBLIC HEARING: 2005 BUDGET AS TENTATIVELY ADOPTED ON JUNE 14, 2004.**

Mayor Walkup announced City Manager's communication number 328, dated June 21, 2004, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the Fiscal Year 2005 Budget as tentatively adopted on June 14, 2004. Mayor Walkup said before beginning the public hearing, the City Manager had some brief comments.

James Keene, City Manager, said with the Council's and public's indulgence, he wanted to make note of a change between the tentative budget and the adopted budget. In putting together the schedules that were advertised in attached Resolution 19854, which was up for final adoption, there were some corrections. The corrections were not in the expenditures column nor in the budget as it relates to spending, but in the source of funds. He said the City Clerk was handing out the corrected Schedules A, C, and D. He said he would ask Mr. Zolman to read the corrections so they would be read into the record. He also noted Mr. Zolman would have to go through a number of columns just to make sure the record was straight, but they really just fell in four areas.

Mr. Keene said one was the need to pick up the source of funding carried forward in the amount of 15.1 million dollars, which was previously talked about. Secondly, to identify in the source of funding the additional ten million dollars in COP's that were used. Thirdly was the change in the source of some capital project contributions that total 1.1 million dollars. Finally, the change in the library adjustment for the City's share of 9.6 million dollars. As the City moves forward Pima County would not be picking up the 9.7 million dollars the City had hoped for through the library district. That was a total of 35.8 million dollars in the sources of funding shown on Schedule A and Mr. Zolman would speak on that.

Mr. Keene said if they would look at the far right column the Council would see the budgeted expenditures and those were correct. They had no changes. He asked Mr. Zolman to do this and said it would probably take a couple of minutes for him to make sure that the record had it correctly, and then Mr. Keene said he would like to make some concluding comments before the hearing.

Ned Zolman, Budget and Research Director, said he would be referring to Schedule A to Resolution 19854, and would explain the Schedule by line number and then column:

- Line number one General Fund--Fund Balance/Net Assets column, the net assets column was \$4,326,620 corrected from \$4,896,620.
- Interfund Transfers (Out) column was an offset. The prior number was \$54,335,080 and the correct number was \$53,765,080.
- Line two, going back to the Fund Balance column, the original number of \$3,497,980 - correct version was \$17,771,190.
- Line two, Estimated Revenues column, prior number was \$229,560,510. New number - \$232,063,620.
- Other Financing Sources - prior number \$11,419,120. New number - \$21,476,120.
- Interfund Transfers (In) - original number \$44,759,960. New - \$53,765,080.
- Total Financial Sources Available column - original number \$289,237,570. New figure - \$325,076,010.
- Line three, Debt Services Funds Available- Estimated Revenues Other Than Property Tax column- original number \$16,541,490. New \$16,548,380.
- In the Total Financial Services Available column for 2005 – prior number \$37,878,010. New - \$37,884,900.
- Dropping to the bottom line - Total of All Fund, in the Fund Balance column - previous number \$8,394,600. New - \$22,097,810.
- Estimated Revenues Other Than Property Tax column went from \$810,203,860 to \$812,713,860.
- Other Financing Sources goes from \$164,127,550 to \$174,184,550.
- Interfund Transfers (In) goes from \$44,759,960 to \$53,765,080.
- Interfund Transfers (Out) – original number \$61,152,730. New - \$60,582,730.
- Total Financial Resources Available raises from \$996,481,880 to \$1,032,327,210.

On Schedule C, page C2, Mr. Zolman said he would focus his attention exclusively to the Estimated Revenue 2004—2005 column. Starting with the Highway User Revenue Fund at the top of the page:

- State Grants in Aide \$32,465,010 was changed to \$32,458,120.
- Non Revenue Receipts goes from zero to \$1,100,000.
- Total Highway User Fund number changes from \$32,929,010 to \$34,022,120.

Dropping down to the cluster entitled “Library Fund”:

- Pima County Library Support line - original number \$9,270,330 to \$9,840,330.
- Total Library Fund goes from \$9,840,330 to \$10,410,330.
- Other Special Revenue Funds towards the bottom, the line that says Transportation Enterprise Area Management Fund - original number \$2,016,000. New number \$2,856,000.
- The line for the Total Other Special Revenue Funds - \$6,687,580.

- Total Debt Service Funds at the bottom changes from \$16,541,490 to \$16,548,380.

Ms. Detrick asked if Mr. Zolman missed the new total on the line for Total Other Special Revenue Funds, and asked if that was \$7,527,580.

Mr. Keene replied that was correct.

Ms. Detrick said the new Total Special Revenue Funds went from \$229,560,510 to \$232,063,620, and asked if that was correct.

Mr. Keene said that was correct, the Total Special Revenue Funds would be \$232,063,620.

Ms. Detrick apologized and said she did not hear those figures.

Mr. Zolman said he would continue on page C3.

Ms. Detrick asked if they could do the Debt Services Funds again.

Mr. Zolman continued with the Debt Service Funds:

- Debt Services Funds - the area that said State Grants in Aid, original \$16,541,490 - new \$16,548,380. And he said the next line down was the same number.

Ms. Detrick asked if this was for Total Street and Highway Debt Service and if that was correct.

Mr. Keene said that was correct.

Ms. Detrick also asked if the total Debt Funds went from \$16,541,490 to \$16,548,380 and if that was that correct.

Mr. Keene replied that was correct.

Mr. Zolman continued that the total changes on C3, down at the bottom of the column, went from \$810,203,860 to \$812,713,860.

Mr. Keene said that was under Total All Funds.

Mr. Zolman continued with changes to Schedule D:

- At the top under General Fund - the Business Privilege Tax information under Interfund Transfers (Out) goes from \$54,335,080 to \$53,765,080. Likewise, the total for the General Fund changes from \$54,335,080 to \$53,765,080.
- Special Revenue Funds - Certificates of Participation goes from \$11,419,120 to \$21,476,120, and that was under Other Financing, in the Sources column.

- The Library Fund line under Interfund Transfers (In) – Mr. Zolman said he would come back to that.
- Total Special Revenue Funds rises from \$11,419,120 to \$21,476,120 under Other Financing, in the Sources column.
- Total Special Revenue Funds in the Interfund Transfers (In) column - the number raises from \$44,759,960 to \$53,765,080.

Ms. Detrick said she missed something on the Library Fund and asked if that was an addition, and if the Library Fund was not included before.

Mr. Zolman replied yes, that it was zero.

Ms. Detrick replied it was zero, so there was no line for Library Fund and now they had a line for Library Fund. It went from zero to \$9,005,120, and asked if this was correct.

Mr. Zolman said yes, that was correct.

Ms. Detrick thanked Mr. Zolman.

Mr. Zolman continued with changes in the Total All Funds line:

- Under Other Financing Sources column – the old figure was \$164,127,550 and the new figure was \$174,184,550.
- Total Special Revenue Funds line, under Interfund Transfers, the figure changes from \$44,759,960 to \$53,765,080.

Vice Mayor Ronstadt asked if it was from In to Out.

Mr. Zolman explained he meant to say “In” on the Interfund Transfer (In) column, Total All Funds line changes from \$44,759,960 to \$53,765,080.

- The correct Out figure was \$61,152,730 – revised figure \$60,582,730.

Mr. Keene asked if Ms. Detrick had all the changes.

Ms. Detrick replied in the affirmative.

Mr. Keene said he wanted to repeat that the budget itself, the expenditure which was the focus of the ceiling and where the distribution of funding needed no adjustment, this dealt with four areas that he had talked about: carry forward; COP's, Library adjustment and Capital Project Contributions. Because there were so many different schedules in the state form, they had to go through it so that it would be stated on the record. He said he reviewed this with the City Attorney, City Clerk, and financial staff and with these changes now read into the record, the Mayor and Council could proceed



with the hearing and action on the budget. He said the City Clerk would attach those schedules, that the Mayor and Council had before them, to the resolution at this meeting.

Mayor Walkup thanked Mr. Keene and recognized Council Member Leal.

Council Member Leal asked Mr. Keene to have staff send the Council something that showed it went from this number to that number, so they could have all of this on one document.

Mr. Keene responded he would do that.

Mayor Walkup announced the public hearing was scheduled to last for no more than one hour, and speakers would be limited to five-minute presentations. He also announced he had received a number of cards and asked the speakers to come forward when he called their name. He asked them to state their name, address, whether or not they lived in the City, who they were representing and whether or not they were being paid.

Patrick Valentine said he was an independent person speaking for himself, but he also represented Access Tucson. He pointed out that several years ago the City of Tucson wisely secured money from Cox Cable, as a condition for allowing Cox Cable to have their business in Tucson. This money was designated specifically to fund Access Tucson cable. This was a valued community service representing free speech in Tucson. He said that Access Tucson was a nationally respected organization and was rated among the top three public access cable stations in the country. Any contract, verbal or implied, was a still contract. The failure of elected leaders to honor a contract was contemptible.

Mr. Valentine said the temptation to take money that was not the City's, from any place, was a common fiscal theme in government and at every level of society, too. But sometimes vote getting seemed to have more importance than protecting the rights of the citizens. Certain elected officials seem to value unrestrained spending on vanity projects over protecting freedom of speech. He said he wrote emails to each of the officials on the Council. He only got two responses; they were from Mayor Walkup and Council Member Dunbar. In his politely written email he requested funding for Access Tucson be left intact, since no tax money was used to fund it. The email that he received back from Council Member Dunbar was both stunning and curt. She explained that she preferred paving sidewalks in her Ward to free speech. The cut of three hundred thousand dollars would not solve the City's problems, nor would it build very many sidewalks.

However, Mr. Valentine said, a thirty percent cut in funding to Access Tucson might drastically undermine the growth of their constitutionally guaranteed freedom of speech in Tucson. Furthermore, Access Tucson was the only community service group whose funding was being targeted with reduction on the budget. He added that as the Department of Homeland Security nibbled away at their constitutional rights in Washington, it was frightening to see the same behavior showing up in a decision made by public servants in this town. Regardless of whether they liked the messages that

programming presented on Access Tucson, they should be considering raising the level of funding so more people could have free speech.

Additionally, he said sidewalk construction and similar public works should be paid for by raising property taxes of those that would benefit from these improvements; not by taking money and silencing disenfranchised citizens of their voices by robbing the piggy bank. He asked at election time for the public to remember the names and faces of those that voted against Access Tucson and urged to vote against them. He thanked everyone for listening to his free voice and reminded them of his program on Fridays on Channel 73, called Living with Astrology.

Mike Pliska said he wanted to speak about Access Tucson and how they treat their members. He felt Access Tucson administration's budget should be cut. He was not against free speech, but he felt the administration had bad (inaudible) in how they run the place. He has seen many members walk away from Access Tucson because they did not feel that it was right for the administration to have the amount of money that they had. He encouraged the Council to take a look at Access Tucson and again he said he was not against freedom of speech. He was just against Access Tucson administrators.

Flora Edwards said she was an artist in Tucson. So far, it has been the hardest place she has ever had to live in and sell art. She lived for many years in a place called San Cristobal de Las Casas Chapas, which was at the end of the world, and there was more support for artists there than there was here. Access Tucson saw her sitting in the parking lots in traffic with her beautiful paintings. They came to her and offered to teach her things. It had given her the ability to have a future. There were so many artists here in Tucson that needed a future. She said if the Council did not think that Picasso was good for France, or the Beatles for England, they were ignoring their most precious revenue. She urged the Council to support Access Tucson.

Ronald Manzi said he was also a supporter of Access Tucson, where he produces a program. He said this was about free speech and this was what our soldiers were dying for in Iraq. A master operating agreement was signed by the Mayor's predecessor and there was a specific formula. The Council had already cut seven hundred thousand dollars since 2000 and that was called skimming. As a result, they have no programming on Sundays. Those religious programs cannot be shown on Sunday. He implored the Council to stick to the master operating agreement. Cox Cable had agreed to fund them with non-taxpayer money.

He concluded by saying taxes were the cost of government. It was what you brought in and sent back to the people for the deeds, products and services that they need to live in this City. He also lives in this City and was happy to have lived there for the last year and a half. He told the Council that paying twenty-five or fifty dollars more on a year for membership was not too much; he had seen folks who ran up one hundred dollars in a bar tab in one night. He thanked the Mayor and Council for listening, including Council Member Dunbar.

Daniel Dougherty said his program was up and coming. He was a member of Access Tucson. He reminded the Mayor that he appeared on the program and gave every indication that he was going to support the program, and so did the Vice-Mayor. But when it came to the vote, they cut the program. They cut the program bad, by three hundred thousand dollars. His program dealt with art in the Tucson area, and he had promoted over seventy-five local artists, artists that no longer had a program to support them. He asked the Council what they had planned on doing to give them a little bit of culture in Tucson. He said that perhaps the trade trips to China were more important, but he did not think so. He thought they should begin with a little charity at home and show consideration.

Karen Moser urged the Council not to cut funding for Access Tucson. People use Access Tucson as a way to give back to the community.

Michael Toney said the City's budget cut was aggressive. Obviously, they were having trouble with funding now and also funding for the future of twenty thousand more people a year. He said he was very serious about this laser computer issue, because this was the essence of the optics industry in Tucson. That was the way Tucson was set up, to have reciprocity with government funding, fifty-six million dollars coming from bonds that the University was going to sell, twenty million dollars together with the City for the Flandrau Science Center. He said that optimum spending meant that you do the best you can with what you have. He wanted to have Flandrau open up to consider other things that could create more revenue. He also noted the transportation funds that went through Phoenix were used for the police department out there, because they had funding difficulties also. The Council could see how inter-related the budget was. The monies were being shifted around. (Inaudible) He addressed that it was important to keep options open regarding City's tax monies.

Beau Buttacaroli said he was representing Access Tucson as a member. They did not ask him to speak, he was there on his own. He said that entertainment used to be very rich in Tucson, through the forties, fifties, sixties, seventies and early eighties. A lot had been pulled away, most which was through old westerns and Old Tucson. They all know what happened to Old Tucson, which dampened things as far as filming there. A lot had been taken away, as far as entertainment, that goes to the City. By working with Access Tucson the City could create more revenue for the City. He was sure the Council knew that. There was a lot of independent film work being done through Access and it was through the support of the staff and committee that works there.

They were very helpful in educating a lot of young people. He said this included himself and he was twenty-eight years old. Now when he went to the studio he would see a lot of sixteen to eighteen year old kids who want to get involved, promoting their musical bands, their dreams, things that they want to do. By cutting this funding by ten percent the past three years, he thought that thirty percent was a little bit outrageous. He thought that three hundred thousand dollars was little stiff for something that would bring back a lot of revenues to the community. He said there was a lot more revenue it could bring to the City if they worked with Access Tucson.

Mr. Buttacaroli said the support he received from the committee and staff in producing his show had been tremendous. He had taken the classes, which were fantastic. He thanked all the Council Members who responded to his emails. He said he did not get one from Council Member Dunbar, but that was all right. Also, he said that regardless of who watches his show, he was an entertainer. People may tell him that if he is an entertainer to move to Los Angeles. Well, he liked Tucson and did not want to move to Los Angeles. He enjoys sunny Tucson and this was his seventeenth year here. The rest of his family had moved away. The main reason he was staying in Tucson was because of his television show on Access Tucson.

He wanted to give Mayor and Council an idea of how much his show has had an impact. He said there was a sixteen-year old kid, named Mike the Intimidator. He would usually call his show and asked if he could rap for a little bit. He said that "Mike the Intimidator" passed away in a car accident in February in Flagstaff. Mike and his uncle were hit by a semi. His brother contacted Mr. Buttacaroli by email the following week to let him know that Mike was in front of his television every week at midnight, when his show was on. Every week he was in front of the television to watch his show. It meant that much to him every week. There are a lot of programs on Access Tucson that meant a lot to a lot of people, religious and government programs, etcetera. He asked the Mayor and Council to reconsider. He thought this might be a done deal as far as they were concerned, but asked that they reconsider this in the future.

Dr. Mary Jo Ghory said she was a pediatric surgeon and the Medical Director for Children Services at the Tucson Medical Center. She was there to speak as a member of Access Tucson. About a year and a half ago she started working with the University on a program to present alternative information to students and to the community. Access Tucson was amazingly helpful in giving them exposure to the community. She appeared on their show, Local Matters, and she could tell them that people from departments all over the hospital saw her on television and commented on that program. So her program at the University received wide exposure.

Dr. Ghory said she then started taking classes at Access Tucson and she was very impressed with their professionalism and expertise. She believed if the Mayor and Council were to cut their budget as they had planned to do, this would seriously restrict the opportunity of groups like hers to present alternative information to the community. She also wanted to add that as a pediatric sub-specialist, she knew it was hard to attract other pediatric sub-specialists to the community. One thing that would attract people to this community would be diversity and the opportunity for the expression of alternative information. She urged the Mayor and Council not to cut Access Tucson's budget.

Jim Lockier thanked the Mayor and Council for giving him the opportunity to speak. He was the host for the weekly television series, Freedom Watch, which he hoped a lot of people watched. He said anyone who had lived in Tucson for any amount of time knew that Arizona was pretty notorious for being first in everything bad and last in everything good. Unfortunately, a lot of the leadership was partially guilty for this

dilemma. Right now what they needed to do was address the high dropout rate, teenage pregnancy and drug use. They needed to put a reverse to this dilemma. He said they had G.R.E.A.T., which was the gang resistance education program that was cut. What Tucson was doing was making the cuts in the wrong areas.

The City was now trying to strip them of their freedom of speech, their first amendment rights, and this was not good. Mr. Lockier said he just came down from Broadway Boulevard and all the lights were on in the middle of the afternoon. He thought they could make a budget cut by not having the streetlights burning during the day. He also noted that America's revolution in the 1770's and 1780's was because the government had tried to minimize their right for freedom of speech. Right now current government was trying the same sham and a lot of people were just not going to go for it. Speech and freedom should not be bought and it could not be sold. One penny cut for Access Tucson was one penny too much. He said we all need to be Americans first and needed to be Tucsonans first, as well. It was ridiculous to let a handful of individuals rule the rest of Tucson, to say what was good and what was wrong. They need to work together as a team, as friends and neighbors.

Erl Kimmich said he was sad to be there again on the budget occasion, because he knew little had been done. He was there last year suggesting for Mayor Walkup to go to Washington and get some Federal money for Tucson. It seemed to him that the Council was trying to balance the budget by picking on groups like Access Tucson, instead of going to where the money really was. He thought in our City as well as in our country there were corporate entities and other entities which, thanks to our system, reap huge benefits from how we allow the system to work. And they all agreed to that. He thought they should carry a greater part of that load. He thought it was fine to run up the hill and paint the "A" red, white and blue; but if they were going to do that, they should act American. They should be proud to be Americans and defend freedom of speech. They should defend freedom of speech that is expressed through public access television. He said in the old days they had free speech. They could get a milk crate and go down the wash and sing to their hearts content. In this day and age they need to have that technology. This was provided through cable access, through an agreement the franchise and the people of Tucson negotiated a long time ago. The previous Mayor and Council did that. In the wisdom of the population of Tucson, that was what they got, Public Educational Governmental television, including Channel 12, which now films Mayor and Council meetings.

Mr. Kimmich continued that public television was the choice they had and he was disappointed with the City Manager for a lack of courage. Every year there is this budget issue, so they need to start going back to the Federal Government and say that they need Federal monies at the city levels. They need to reinvest in America and they need to start doing that. It was inevitable they needed to do that, so he urged them to start doing it now. He said this was going to take time, but in the end they should be proactive instead of being like the little Dutch-boy, running and putting fingers in the dike and putting out fires. They need to start planning for the future and make those moves today.

He said there were all these television airwaves and they did not get paid any revenues from KOLD, and all others using our public space. This money could be for them and throughout his growing up there had been television and they did not get any of that money. They should be getting the money that these private entities are reaping, billions and billions, in advertising fees. Without Access Tucson what they end up with was commercial television, endless little songs and advertising. There was no advertisement on any of the shows on Access Tucson. Access Tucson members and producers put out shows without any commercial advertising and they were not trying to sell anything. They were just put out there to share with the community. The programming at Access Tucson was incredibly diverse. They need to protect free speech. He told the Council that if they were going to wave the flag, if they were going to be red, white and blue, then they need to do what this country stands for, get behind free speech and not be hypocrites.

Linda Bohlke representing the American Federation of State, County and Municipal Employees (AFSCME) and members of the labor and trades unit. She was there once again about the question of equity and equality in the City of Tucson. It was going to be hard when the Mayor and Council adopt the budget to go back to work and hear from their membership, when they see that half of their employees got a two-point-eight percent increase and some were only getting a two percent increase. She said they were going to want to know why. Why did the City of Tucson not value their work as equally as work done by other employees of the City. She said they did not begrudge Fire and Police that 2.8 percent. They worked hard and they deserved it, but so do their members.

Ms. Bohlke said this issue was one the Council was familiar with, and it was not the first time she addressed the Council on inequity in the way that different groups of employees were treated. She was remembering Dr. Martin Luther King, when he led six thousand striking sanitation workers on March 28, 1968 in Memphis Tennessee, just days before he was assassinated. In speaking to those employees he said "you could tell how advanced a society was by whether or not they recognized and afforded the same value to the sanitation workers as they did to the physician, because both were necessary for the maintenance of public health." She was there to say that the sanitation worker, the electrician and the mechanic who fixes police cars and fire trucks were all equally important for the protection of public safety in the City of Tucson. She also asked when the Council, as an elected body, would recognize that. She asked the Council to recognize that now, to reconsider the difference in the pay increases they were going to give two different groups of employees over what they will give to the others. She asked the Mayor and Council if they thought that was fair. She did not think it was fair. She also asked the Mayor and Council to consider the question of cost of living increase versus the cost of labor increase. As they went through what was a very difficult and painful budget process this year, they asked themselves that question and they looked at that difference. There seemed to be a disconnect in this city between what it costs employees to feed their families, what it cost them to buy a gallon of gas to get to work, and what some arbitrary market analysis said their job and their value was worth. She asked the Council to consider the fact that last year those employees, especially those at

the bottom of the pay scales, endured the pay freeze. Consider what that would mean to their families and their ability to provide food on the table and a roof over their family's head. Consider what that would mean to their ability to provide care for their children, to provide a decent quality of life and what that would do to the overall standard of living in this community.

Rose Mager said she and her husband have owned a very small family business since 1972. She implored the Council not to cut the budget of Access Tucson. She became a member in 1999 and it opened a whole new world to her. Up to that point she was just a laborer, a ceramic tile installer. But through Access, through their staff and through the equipment she could never afford herself, she was able to produce and distribute a video worldwide. This was only through being able to be a member of Access Tucson. Again, she urged the Council not to cut the budget.

Joseph Sweeney said he was a candidate for Congress in Congressional District 7. He reminded the Council of the problem with Access Tucson. None of them thought it was fair what was going on. He said three hundred thousand dollars was spit in the ocean, as compared to what was happening in the community over the last twenty years. They lost fifteen cents a gallon over the last twenty years in the Federal gasoline taxes. That came out to almost two billion dollars a year, and that was a result of their incompetence. If the Council could not figure out how to get three hundred thousand dollars a year into the pockets of Access Tucson and make the station an example of democratic responsibility, it was beyond anybody's imagination.

Mr. Sweeney said they were working on getting their fifteen cents a gallon Federal gasoline money back to the Tucson area, and they were going to fight Maricopa County block rent program that allowed this misallocation of resources. He also said they were going to continue to expose this corruption that was going on and the neglect of City officials for allowing it to go on for the last twenty years. He said they should have state of the art interstate highway systems throughout this community. They let the developers take over this community on a piecemeal basis and these are the results of it. They see it every day. They see people working illegal aliens for two dollars an hour at a job site. He said they have become an abomination.

John Harris said he was humbly approaching the Mayor and Council with words he hoped would go beyond the political mind that they had to struggle with day to day on these decisions. He hoped to reach their hearts, the hearts that were required of City leaders to hear the needs of the people, to be the voice of the people, so that they could express in their decisions a caring concern for their benefit. He came before the Council to express the thoughts of the handicapped community, those of the less mobile community, those of whom he was more in touch with on a daily basis. These were the individuals who listened to the programs on Access and were able to interact with them. They would leave the confines of their homes in order to express their opinions, not only to local Tucson, but worldwide. He said he had friends from Africa, India, Moldova and Romania who watched their program on streaming video and would not be able to hear their voice of freedom if the budget was cut and would not become more stabilized.

They would not be able to see how Americans function in our communities, to give them courage to be able to speak up in their communities. He pleaded to the Council, as fellow human beings, not to cut the budget, instead increase their budget so they could uphold the freedom that was dear to them, as it was to their founding fathers.

Haroldee Ruth said she was there with the top ten reasons why Access Tucson's funding should be restored. She said it was a deal done in the back room, with no opportunities for their supporters to express their community concerns and it looked bad. The proposed cuts had the appearance of a personal vendetta. The cuts seem based on a slavish devotion to misinformation, a reluctance to alter views, even when confronted with facts. She was not speaking for Access Tucson administration, but she said the majority of the Access Tucson staff, of whom she was one of, shopped and lived in the City, and most of them owned homes inside the City of Tucson. All of them were passionately devoted to the well being of Tucson. Access Tucson was a multiplier of good in the City, with services for individuals, social service, and youth organizations and cultural treasures. Access Tucson enhances every positive influence in the City of Tucson.

Ms. Ruth continued that in spite of the political fashion these days, doing good was good. The Access Tucson staff had the highest concentration of talent, creativity, organizational skills and capacity for hard work currently active in the downtown area. She told the Council that they could not break this team up. After years of Council criticism of agencies that had no contingency planning, it seemed destructive and short sighted to punish an agency that did have that kind of foresight. Hamstringing an organization that brings hundreds of citizens into the downtown area for a really positive experience and support Rio Nuevo, now there was a mixed message. By sawing off one leg of the peg stool, public, education and government, the City seriously undermines its own bargaining position in future negotiations with any user of public rights-of-way. She told the Council to remember where the revenue stream came from.

In closing, Ms. Ruth said she was going to give the Council a bonus reason for not slashing Access Tucson's funding. To persist in destructive cuts to public access, while funding the City's own channel at levels which were absurd in terms of beneficial programming for the community, was to ensure public cynicism about the Council's motives. She asked the Council to dispel the notion that, as politicians, they find the first amendment a "pain in the assets".

Stephen Spearman said he was new to Tucson. He came from the Washington D.C. area. One thing he noticed when he arrived here was that there was a lot of diversity. It was here and everyone lives it. A lot of people preach it and they talk about diversity, but it was actually here. Access Tucson serves as a voice for people. If that voice was taken away it did not make sense. They were number three in the nation. That was saying a whole lot. He saw a lot of kids, elderly, people of all persuasions, and they came to Access Tucson to give their voice. When he came to Tucson he was astounded. He came to Access Tucson and said, "Wow, you could do all these different things." He said he understood capitalism and that everything costs, things were not for free, but



certain things just should not be cut. He told the Council to look around, there were a lot of talented people; people with a lot of good opinions and their voices needed to be heard. If the Council cut the funding for Access Tucson they would start to become more like talking heads. He did not want to see that, because right now people were afraid to talk. People were afraid to talk about certain issues, like liberalism was a bad word. He said it had gotten to the point where it was scary, but he was not scared. He thought that Access Tucson served as a viable vehicle for this town and they should be proud of it, because they did not have this in lot of other places.

Michelle Romero spoke in support of Access Tucson. She was on the Board of Directors of the Southern Arizona Volunteer Management Association. Their membership represents nearly one hundred local nonprofits. These nonprofits service the community in many ways, from family and youth services, to health services, education and even animal services. Access Tucson provides these agencies with free services to the media. This was a vital component to promoting the message that these agencies need to get to the residents in the community. These agencies would not be able to obtain same services through commercial media. They simply could not afford it. She asked the Mayor and Council to support Access Tucson.

Cynthia Taylor said she was a volunteer with the Midnight Madness Planning Committee, a pet adoption event through the Pima Animal Care Center. She was there to speak in support of Access Tucson and urged the Mayor and Council to reconsider the three hundred thousand dollar cut in funding to such an important community service. They covered the Midnight Madness event and she believed the video was running all this week. While the event made a difference in the lives of one hundred and fifty-six animals that were homeless and the families who adopted them, the coverage they provided would continue to make the differences for even more animals and more families. She added that the cut represented a one-third cut to their budget, which would lead to a reduction in services the community could not afford to lose. She urged the Mayor and Council to leave their current budget intact.

Stephen St. Clair resides just outside of the district. He said that in the seventeen years he spent in the motion picture industry as an editor and film shipper, he failed to see the wisdom of this Council. In the past two or three years, they had taken something that was shining as a bright light in the community, an asset and a pride that they should be very proud of, all across our nation. To let the light go out he thought was a real disservice, not only to the Council, but also to the community.

Ken Morse said he was there representing himself and speaking for Access Tucson. He thought it should be realized that it was a long and painstaking process to assemble a cadre of competent staff in any business or industry. When this was done it was something which, when damaged, would take an enormous amount of effort to reconstruct. He asked the Council to consider that Access Tucson had been in business for the last twenty years. Through that time they had managed to accumulate some of the more uniquely talented people. He visited Access studios in a number of different cities like Seattle, Atlanta and Cleveland and could say, without reservation, the people here

were among the most competent he had ever witnessed. He has a show, which he does mostly independently, but he receives excellent advice and competent assistance when he needs it. If the Council casts them to the winds, they may have a great deal of difficulty in reassembling this priceless commodity that we have in Access Tucson. Tucson was a unique town. They had a reputation as mavericks and were people who spoke their own minds. Indeed, they had Access as a way of voicing that. To dismantle them at this point would be a terrible disservice to the community.

Albert Wilson said he came to Tucson because it was world famous for its freedom of speech, less so since the third most popular creative writing class was closed down. A lot of intelligence officers, (inaudible) around the world found his show terribly entertaining because they knew he told the truth in his program and they could not understand why he was still alive. Not that he really had a life any more, but he said that was the price that they paid when they could not associate with anyone, because they always get to them through someone close to them. So he was a loner of necessity.

He came here largely to try to free his pastor, Dr. Gene Scott, of the United Nation (inaudible) secret police, who routinely threaten and intimidate city councils around the nation. Mr. Wilson said they forced the Phoenix City Council, Los Angeles, Houston, Dallas, and New York City, all the major city councils around the nation were threatened by Navy Seals with their lives to approve quietly to make the cities biologic test sites, so biologicals could be used on the population. He thought it was a poor time right now, when they had Russian soldiers massing in Canada, Chinese soldiers were massing in China. Their own soldiers were being sent out of country now to get their reservists, all fighting-age people, out. He said he would gladly prove anything he said in a court, if he were allowed into one, but finds that he has not been. He said he would expand more on his show on Wednesday night at 9:00 p.m., because he probably would not be there for the next season. Although, he was scheduled to be on Thursday nights at 9:00 p.m. on Channel 73. He also stated that Dr. Scott said his crime was announcing he would like to be the next president of the United States. He immediately came under house arrest, tortured, and members of their congregation were systematically murdered off. He said he could prove this, but that was not news. He asked the Council to rethink this.

Willie Blake, Co-Chair of the Kino Weed and Seed Program, was representing four neighborhoods. He wanted to speak to the Council about the library which was being built right now and which they had been waiting for. There were four neighborhoods there. He said he was speaking for senior citizens and youth that lived in those neighborhoods, Quincy Douglas and the Boys and Girls Club. He asked the Council to continue building the library and finish it, so the senior citizens and youth could use it. As he looked at the Mayor and Council he said they had all the same look. He told them that one day they would get old and ugly just like the people in his neighborhood. He was there because he was concerned about the senior citizens and the kids. He was a retired business agent for the teamsters union, but he was not speaking for the union. He was speaking for the seniors and the youth in his neighborhood.

Pat Richtersaid was there to talk about the Quincy Douglas Library branch. This was being built now and it looked like this would be a nice looking building. He was concerned that they might not have it staffed for another year, or that it actually might not be completed. There were two symbols that they had going on here. First, they had a place where the youth could go. They could go to learn and go to get homework help. They could go and study. He saw that as a positive symbol. The other thing was that they could go there and see this was the place that still was not built, the place that was promised to them. He could see them wanting to tag it, but maybe they would not. He could see them wanting to break the windows or really disrespecting the place, because they deserve to be treated like they were important too. He urged the Council to fund this, because it would be a very important event to the people there.

Fred Wolfe said he and his wife do a show called Family Relationships, which was a Christian-based show to help people with relationships, with their family, and the Lord. They had been very fortunate to reach lots of teenagers, middle-aged and senior citizens. They had a live call-in talk show every other Friday night. It had been very good to have people call in and express their shortcomings on the air and to ask for answers. The thing that perplexed him was where the money was going to come from to support Access Tucson. He had heard it did not come from property or sales taxes, it primarily came from Cox Cable and Comcast Cable and that money was to be earmarked for public television.

Mr. Wolfe had a few questions, one of them being what percentage of the money that was actually collected from the cable companies was going towards Access Tucson. He also wanted to know if the money was going to the general fund. He did not feel that the Council was about curtailing freedom of speech. He did not feel that any of them wanted that. He thought that the Council was between a rock and a hard place, in trying to cut it where it would hurt the least. He felt that the Council found out at this meeting that the place they were trying to cut it from was not a place that was favorable, not a place that would not hurt. He said hopefully it was not a done deal and they could reconsider their decision and not cut the budget of Access Tucson.

Glenn Wolfgang said he was there to talk about Access Tucson and its usefulness to the community. He was glad that someone mentioned the movie production studios at Old Tucson. He said that Old Tucson used to make a lot of money for the City and there used to be jobs because of it. When Old Tucson could not make their rent, the County came up with a deal which allowed Old Tucson not to pay their rent. Or to pay it over the next decade or so, rather than close it down, on the off chance that in the future they could provide more jobs for more people in the City of Tucson. He hoped that the Council Members of the City would offer that kind of foresight in their deliberation on what would happen with the cable. He said that Access Tucson was a wonderful thing for the community. It provides for children and for different people and their abilities to communicate their ideas. This was a good thing. It should be commended and it would be nice if that good thing, freedom of speech, could also generate revenue. He believed it could. Access Tucson had many talented people and they could be very useful in helping to bring the entertainment industry into the City to promote growth and tax revenue.

Mr. Wolfgang said Access did not receive the money from taxes. They received it from cable money that was supposed to be set aside for people's freedom of speech. It was nice to have freedom of speech. In some places you did not necessarily get that. He hoped that Council Member Dunbar did not actually say she would rather have sidewalks as opposed to freedom of speech. The only political leader he thought would agree with her was Hitler.

Mayor Walkup asked for a motion to close the public hearing, but then there were several speaking at once.

An unidentified speaker said she did not agree to be silenced. She said her name was Bell Christine Tribia (ph), and she had something that had not been mentioned. It was the capital reports. She said that four years ago they had over two hundred and forty million dollars in their coffers that were going into retirement accounts, which had been hidden away. This money was there for the people. She said she was there representing the people of this town. She was not there to ask the Council for anything. She was there to tell them that they better go into those funds and they better get some of them. About six years ago they asked for a six million dollar increase in taxes. When the community called them on that, they miraculously happened to find the six million dollars in about two days. She asked what happened there. The money was there. She said that everybody who spoke at the meeting spoke beautifully and she was proud to be a part of that group. She commended everyone. Every point was equally as important, but this was one not mentioned. There are other funds available. She implored the Council to get those funds. If they did not, she represented many people who were prepared to hold the Council personally accountable for that.

Mayor Walkup announced that it was time to close the public hearing and asked for a motion to close the public hearing.

It was moved by Vice Mayor Ronstadt, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup called on Council Member Dunbar.

Council Member Dunbar stated that over the last hour there were several people who made comments directed toward her. While they were talking about facts, she said she wanted some verification from staff. Prior to the meeting she had these facts checked, but asked if Access Tucson had over three hundred thousand dollars in cash savings this year and another six hundred thousand dollars in investments.

Mr. Keene said he did not have those facts in front of him, but called on Mr. Sander.

Council Member Dunbar said that while Mr. Sander was looking for those figures she wanted to make a couple of other points. Nobody wanted to limit free speech. But

when an agency was getting one point three million dollars, it was not exactly free speech. She thought it was important to bring these facts forward. Also, in the state of Arizona there were three communities that had access availability; Tucson, Phoenix, and Prescott Valley. Phoenix and Prescott Valley share a station. The City of Phoenix gives their access station two hundred and forty-five thousand dollars. Albuquerque gives their access station three hundred and six thousand dollars. Denver, which was significantly larger than Tucson, gives five hundred thousand dollars. Only ten to fifteen percent of communities in the country have access stations. She said that she thought they would still be giving Access Tucson a million dollars, so they were not stopping free speech.

Mayor Walkup asked staff if they had the figures that Council Member Dunbar asked for.

Todd Sander, Chief Information Officer, said he believed the question had to do with the assets of Access Tucson, based on their balance sheet of March 31, 2004. They showed two hundred three thousand, forty-three dollars and fifty-five cents in their checking account. There was four hundred eighty-eight thousand, three hundred twenty-one dollars and eighty cents in an investment account, with Dane Rauscher Investments. Then there was a second investment account, Investment Securities, with one hundred twenty-six thousand, eight hundred seventy-eight dollars and forty-seven cents.

Council Member Leal said he also had a question for Mr. Sander. One of the speakers asked questions about what percent of the revenues generated by the Cox agreement currently go to Access, and what percent was defined by the agreement with the City, to go to Access from Cox. In other words, was there a difference between what the agreement said they were supposed to get and what percentage they were currently set up to get in this budget recommendation.

Mr. Sander responded that approximately three years ago the Mayor and Council voted to remove formula funding for Access Tucson and to treat them like every other outside agency and City Department, to be evaluated every year as part of the budget process. So there was not any set amount that would or should go to Access Tucson. That was purely a decision left to the Mayor and Council as part of the budget process. Having said that, about forty-five percent of the funding that came in as a result of the franchise agreement with Cox went to Access Tucson.

Council Member Leal asked if Mr. Sander remembered what percent was in the agreement the Council did away with.

Mr. Sander responded that he did not know. There was a base number and then an escalating clause that would have continued to raise the amount every year as a percentage of what would come in, but he did not remember what that worked out to at this point.

Mayor Walkup announced that the Council would stand at recess and convene a special meeting for the adoption of the budget.

Note: See minutes of the Special Mayor and Council Meeting of June 21, 2004 regarding the Final Budget Adoption for fiscal year 2005.

RECESS: 7:35 p.m.

RECONVENE: 8:17 p.m.

Mayor Walkup called the meeting to order and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Vice Mayor, Council Member Ward 6
Robert E. Walkup	Mayor

**10. ZONING: (C9-95-29) JONES – TANQUE VERDE, SR TO C-1, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 329, dated June 21, 2004 would be received into and made a part of the record. He asked the City Clerk to read Ordinance 9988 by number and title only.

Ordinance 9988 relating to zoning: amending zoning district boundaries in the area located on the north side of Tanque Verde Road approximately 1200 feet east of Sabino Canyon Road in case C9-95-29, Jones – Tanque Verde, SR to C-1; and setting an effective date.

Mayor Walkup recognized Council Member West.

Council Member West said that she saw the applicant, Mr. Martin, in the audience and asked if he had anything that he wanted to say.

Mr. Martin said that they had nothing to say and they accepted the conditions.

Mayor Walkup asked the Council's pleasure.

It was moved by Council Member West, duly seconded, to pass and adopt Ordinance 9988.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, and Leal;  
Vice Mayor Ronstadt and Mayor Walkup.

Nay: None

Ordinance 9988 was declared passed and adopted by a roll call vote of 7 to 0.

(Note: Council Member Leal departed at 8:19 p.m.)

## **11. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

Mayor Walkup announced City Manager's communication number 315, dated June 21, 2004, would be received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused), to appoint James McIlrath to the Commission on Disability Issues, Ronald Stoltz as the Education Representative to the Landscape Advisory Committee, and reappoint Roger Watson as the Neighborhood Representative, and Susana Morales as the Ecologist/Wildlife Habitat Specialist to the Landscape Advisory Committee.

Mayor Walkup asked if there were any personal appointments.

Council Member Scott announced her personal appointment of Dr. Joseph L. Scott to the Citizens Water Advisory Committee

**12. ADJOURNMENT 8:20 p.m.**

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held Monday, June 28, 2004 at 5:30 p.m. in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 21<sup>st</sup> day of June, 2004, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD:lr/sac